

DECISION NOTICE AND FINDING OF NO SIGNIFICANT IMPACT

THE PROPOSED IMPROVEMENTS AT THE

BROOKS LAKE LODGE AND GUEST RANCH

**USDA Forest Service
Shoshone National Forest
Wind River Ranger District
Fremont County, Wyoming**

I. INTRODUCTION

This decision Notice documents the decision and rationale for the proposed improvements at the Brooks Lake Lodge and Guest Ranch, which was analyzed in an environmental assessment (EA). This decision document was developed in compliance with the National Environmental Policy Act (NEPA) and its implementing regulations (40CFR 1501-1508).

This document explains how issues and concerns were met, and how laws, environmental effects, and other factors were balanced in making the decision for the Proposed Improvements at Brooks lake lodge and Guest ranch on the Wind River Ranger District, Shoshone National Forest (SNF). It presents the alternatives considered, summarizes public involvement, discussed compliance with the Forest Plan, and documents a Finding of no significant Impact (FONSI). At the end of this Decision Notice is information on timing of implementation of this decision, appeal information, and who to contact for further information.

The project is located in Northwest Wyoming approximately 25 miles northwest of Dubois, Wyoming in Fremont County. Ownership is entirely National Forest System Lands.

II. DECISION AND RATIONALE

Based on my analysis of the comments to both the scoping and the EA public comment period, I have decided to implement Alternative 2 - the proposed action. All the project design criteria and mitigation measures identified in the EA apply to this decision. It provides the greatest attainment of the project's purpose and need and provides the greatest protection for resource values in the project area. All project goals will be accomplished with implementation of my decision.

I have selected this alternative because it best accomplishes the purpose and need of providing a range of quality recreation opportunities on the Shoshone National Forest and providing for fire protection of facilities and property involved in those opportunities. Based on public comments, these concerns are emphasized as part of the decision:

Protection of historical and visual resources (EA pages 3.9 to 3.11)

Protection of wildlife resources (EA pages 3.6 to 3.9)

Consistency with the Forest Plan

The EA is appropriately tiered to and consistent with the 1986 Shoshone Land and Resource Management Plan and the programmatic EIS which accompanies it (pages 1-1 to 1-4 of the EA). The EA is tiered to the 36 Code of Federal Regulations (CFR) for National Forest Management Act (NFMA). All

management prescriptions for resource protection are consistent with resource values involved, minimize serious or long-lasting hazards from flood, wind, wildfire, erosion, or other natural physical forces unless these are specifically excepted, as in wilderness (36 CFR 219.27).

The overall intent of the project is to move from the existing conditions to the desired future conditions in conformance with the goals described in the Shoshone National Forest Land and Resource Management Plan, pages III-6 through III-10. The Proposed Action, Purpose and Need, and project goals are found on pages 1-1 to 1-4 of the EA.

Other Applicable Laws, Regulations, Policies, and Plans

A cultural resource inventory and coordination with the Wyoming State Historic Preservation Office (SHPO) was completed, as well as the cultural resource documentation called for in 36 CFR Part 800. A concurrence letter from the SHPO (Case Number 0900RLC019) is located in the project file.

A biological evaluation (BE), addressing potential effects on all proposed, listed, and sensitive species with known or potential habitat within the project area was completed for this proposal. The BE concluded that there are no anticipated effects on threatened, endangered and sensitive species. The United States Fish and Wildlife Service, in their letter to me, concurred with this determination of effects. The BE and concurrence letter are located in the project file.

Watershed Regulatory Framework - The Forest Service is directed by five major federal laws, as amended, to protect watersheds through sound management. Other federal laws and regulations complement these five major laws. The Forest Service must also comply with the Wyoming Environmental Quality Act and regulations pursuant to it. Executive Orders 11988 and 11990 regulate floodplains and wetlands within the analysis area.

The Corps of engineers has authorized the work on the pond under General permit 97-01.

How Issues Were Considered

Scoping was conducted to identify the issues relevant to this proposal. On February 9, 2000 a scoping letter describing the project proposals was sent to parties who have expressed interest in this type of project.

All comments received through scoping and the public involvement processes were used in developing the issues and alternatives, which directed the analysis process. There were several issues identified relative to this proposal. All comments, issues, and concerns were given in-depth review and consideration, however only significant issues are addressed in detail. As the NEPA analysis was issue driven, the significant issues provide focus for analysis. An interdisciplinary team of resource specialists also provided input and reviewed the project proposals.

The significant issues below helped to focus on the resources analyzed in Chapter 3.

Affected Environment and Environmental Consequences of the EA.

- Impacts to biological resources, including wildlife
- Historical resources
- Visual impacts
- Vegetation disturbance and potential soil erosion

The environmental assessment was released for a 30-day comment period on 11 March 2002. No additional comments were received.

III. ALTERNATIVES CONSIDERED

The EA describes two alternatives in detail:

- No Action Alternative: continuation of current facility management.
- Proposed Action: detailed analysis of the proposed improvements.

This action consists of three components: 1) construction of two additional guest cabins; 2) construction of a new spa facility to replace the existing spa; and 3) creation of a small pond. These improvements were proposed in the Brooks Lake Lodge Master Development Plan (BL Properties 2000).

Due to the limited number of issues identified during scoping and the scale of the proposed improvements, no issue-driven alternatives were developed beyond the proposed action.

Mitigation

Mitigation measure(s) identified to reduce potential impacts:

- Soil erosion: the permittee shall be required to follow standard watershed conservation practices during construction. Following construction areas disturbed during construction shall be reclaimed and reseeded during the same season construction is completed.
- Grizzly bear habitat protection, a federally listed threatened species. To provide no net loss in grizzly bear habitat in the grizzly bear recovery area Brooks Lake Lodge has purchased an existing outfitter operation and will reclaim a disturbed site by removing corrals, alleyway, haystacks, horse feed, and road. This effort will largely eliminate human activity in this 2 acre site and restore it to quality bear habitat. This effort will balance the impacts of additional construction at the lodge site.
- To reduce potential impact the Annual Operating Plan for Brooks Lake Lodge will be updated to include any details necessary for resource protection during construction, including but not limited to heritage, landscaping, watershed or soils oversight.

IV. FINDING OF NO SIGNIFICANT IMPACT

I have reviewed the Council on Environmental Quality Regulations for significance (40 CFR 1509.27) and have determined that this decision is not a major federal action that would significantly affect the quality of the human environment, either individually or cumulatively. Preparation of an Environmental Impact Statement pursuant to Section 102 [2][c] of the National Environmental Policy Act of 1969 is not required. This determination is based on considering the context of the action as discussed in the EA and the following ten intensity factors, as outlined in 40 CFR 1508.27.

Evaluation of the 10 intensity factors:

Impacts that may be both beneficial and adverse:

- There are no beneficial or adverse effects that are significant. See the effects analysis for the selected alternative in the EA on pages 3-1 to 4-14.

Degree to which the proposed action affects public health and safety:

- There is no significant effect to public health and safety. See the effects analysis for the selected alternative in the EA on pages 3-1 to 4-14.

Unique characteristics of the geographic area:

- This action will not affect any unique characteristics of the geographic area.

Degree to which effects on the quality of the human environment are likely to be highly controversial:

- The effects on the quality of the environment are not highly controversial, as described in the EA on pages 3-1 to 4-14.

Degree of possible effects on the human environment is highly uncertain or involves unique or unknown risks:

- There are no significant effects, which are highly uncertain or involve unique or unknown risks. The results of monitoring activities will be assessed to determine whether the effects are within the range predicted in the EA.

Degree to which action may establish precedent for future actions with significant effects or represents decision in principle about future considerations:

- The action does not establish a precedent for future actions with significant effects or represent a decision in principle about a future consideration. My decision implements direction found in the Forest Plan and does not establish a precedent for future actions. Implementation of my decision will not trigger other actions, nor is it a part of a larger connected action.

Is action related to other actions with individually insignificant but cumulatively significant impacts?

- There are no significant cumulative effects. The EA (Pages 3-1 to 3-14) found no past, present, or foreseeable activities in or adjacent to the project area that would result in potential significant cumulative effects to the quality of the human environment.

Degree to which action may adversely affect sites or projects listed in or eligible for listing in the National Register of Historic Places or may cause loss or destruction of significant scientific, cultural or historic resources.

- The action is not predicted to have significant effects on heritage resources (EA page 3-10).

Degree to which action may adversely affect an endangered or threatened species or its habitat determined to be critical under the Endangered Species Act.

- The actions do not adversely affect any threatened or endangered species or its habitat that have been determined to be critical under the ESA of 1973 (EA, page 3-7 to 3-9). A Biological Evaluation (BE) was completed for the project area and there was “no effect” to threatened and endangered species. The BE can be reviewed in the project file for the EA.

Whether the action threatens violation of federal, state, or local laws or requirements imposed for protection of the environment.

- This action complies with all federal, state, and local laws and requirements for the protection of the environment (EA, page 1-6). Wilderness, air quality, wild and scenic rivers, farm lands (prime

or unique), and native American religious concerns will not be affected by implementation of the selected alternative.

V. FINDINGS REQUIRED BY OTHER LAW AND REGULATIONS

This decision is consistent with requirements of major applicable laws such as the Organic Act, Multiple Use Sustained Yield Act, Endangered Species Act, Federal Land Management and Policy Act, National Environmental Policy Act, National Forest Management Act, Clean Water Act and National Historic Preservation Act.

Implementation of the selected alternative will not result in disproportionate impacts to any minority or low-income communities (Executive Order 12898). The effects on social groups such as Indians, women, or the civil liberties of any American citizen will not be significant. Effects on all people, regardless of race, religion, and sex will not be significant.

I have made the finding that this decision is consistent with forest plan standards and guidelines.

VI. PROJECT IMPLEMENTATION DATE

The implementation of this decision is dependent on the permittee's funding although construction start date is expected in early summer or mid summer of 2002.

Pursuant to 36 CFR 215.8(a)(3) this decision may not be appealed; therefore, implementation of this decision may occur on, but not before, five business days from the date of this decision notice. A legal notice will be published in the *Cody Enterprise*.

VII. CONTACT PERSONS

For additional information concerning this decision, please contact Project Lead, Skip Shoutis or NEPA Coordinator, Mark King, at the Washakie Ranger District office, 333 East Main, Lander, WY 82520, phone (307) 332-5460. Individuals may also contact the responsible official at the Shoshone National Forest Supervisors office, 808 Meadow Lane, Cody, WY 82414, phone (307) 527-6241.

A copy of the EA is available for public review at the Washakie Ranger District office at the address above.

RESPONSIBLE OFFICIAL

/S/ DAVE CAWRSE FOR

REBECCA AUS
FOREST SUPERVISOR
SHOSHONE NATIONAL FOREST

19 APRIL 2002

DATE